

AO 106 (Rev. 04/10) Application for a Search Warrant

UNITED STATES DISTRICT COURT

for the
District of New Mexico**FILED**
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

DEC 11 2015

MATTHEW J. DYKMAN
CLERKIn the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)2007 Ford Explorer SUV; VIN 1FMCU03137KA44817;
Arizona License Plate BLE 8056; McKinley County
Sheriff's Office, 300 West Nizhoni Blvd., Gallup NM

Case No.

15 mr 828

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

2007 Ford Explorer SUV; VIN 1FMCU03137KA44817;
Arizona License Plate BLE 8056; McKinley County Sheriff's Office, 300 West Nizhoni Blvd., Gallup NM

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):

See items described in Attachment A.

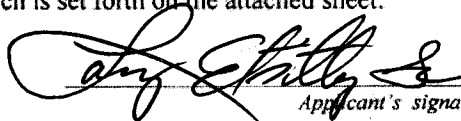
The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☐ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
NM Stat. Ann 30-16-3(A)
18 U.S.C. 1153Offense Description
Burglary
Crimes on Indian ReservationThe application is based on these facts:
See Affidavit

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

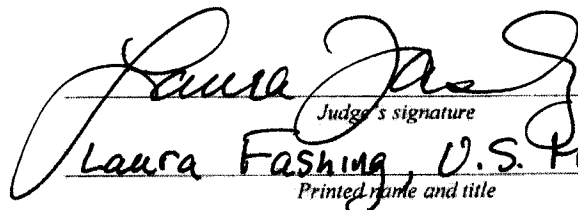
Larry Etsitty, Sr., Senior Criminal Investigator

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/11/2015

City and state: Albuquerque, NM



Judge's signature

Printed name and title

Laura Fashing, U.S. Magistrate
Judge

AFFIDAVIT IN SUPPORT
OF APPLICATION FOR SEARCH WARRANT

I, the undersigned, being duly sworn, hereby depose and state as follows:

I, Larry Etsitty, Sr., am a Criminal Investigator for the Navajo Nation Department of Criminal Investigation (NNDICI), and have been employed in that capacity since January, 1984. I am currently assigned to the Crownpoint Department of Criminal Investigations, Crownpoint police district, Crownpoint New Mexico. My primary responsibilities include the investigation of any felony offense occurring on the Navajo Indian Reservation, including, but not limited to, burglary investigations.

In this capacity, the following information was communicated to me by other sworn law enforcement officers regarding a burglary committed at the residence of John Doe, a 59-year-old enrolled member of the Navajo Nation, whose residence is located within the exterior boundaries of the Navajo Nation.

On Wednesday, November 25, 2015, a uniformed patrol Sergeant requested assistance regarding a series of burglaries which have occurred in the area surrounding Gallup New Mexico. The burglarized residences are all located within the exterior boundaries of the Navajo Nation. Items taken include jewelry, guns, computers and monitors, laptop computers, televisions, and traditional ceremonial instruments, *and laundry. SE fJ*

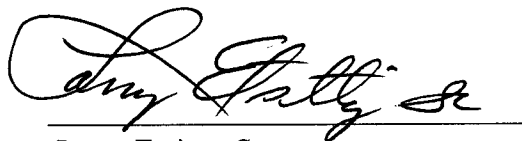
I am aware that on Tuesday, December 2, 2015, at approximately 2:38 PM, John Doe arrived at his residence and discovered that his home was being burglarized. Doe observed a white Ford Explorer SUV parked in front of his residence. Doe observed three individuals at the residence. Two of the three individuals were standing outside of the Ford Explorer, while the other individual was carrying a flat screen TV from the residence to the SUV.

John Doe is an officer with the New Mexico State Police, Motor Transportation Bureau, Gallup District, Gallup, New Mexico. Doe detained the three individuals, two adults and one juvenile. A fourth male individual fled on foot, and has not been identified.

The vehicle, a 2007 Ford Explorer SUV with black trim on the bottom, bears Arizona License Plate BLE 8056, and VIN: 1FMCU03137KA44817. The vehicle is registered to Lisa Benally, Rural Address No. 34, Iyanbito Road, Iyanbito, New Mexico. Inside of the Ford Explorer, in plain view, were various items including a flat screen TV, jewelry, various bags, laptop computers, and two guns.

Based on the foregoing information, I believe that evidence to include fingerprints, hair, clothing and any indicia of who occupied the vehicle on December 2, 2015 will be found inside the 2007 Ford Explorer, Arizona License Plate BLE 8056, which is currently located at the McKinley County Sheriff's Office, 300 West Nizhoni Blvd., Gallup, New Mexico. Said evidence is relevant to the burglary investigations and will aid in establishing probable cause regarding the facts, circumstances, cause and manner of this investigation in the context of Title 18 U.S.C. § 1153 and N.M. Stat. Ann § 30-16-3(A): Burglary, Count 2: 18 U.S.C. § 1153, N.M. Stat. Ann § 30-16-3(A), and 20-28-1: Attempted Burglary; Count 3: 18 U.S.C. § 1153 and N.M. Stat. Ann § 30-16-5: Possession of Burglary Tools.

Respectfully Submitted



Larry Etsitty, Sr.,
Senior Criminal Investigator
Navajo Nation Dept. of Criminal
Investigations

Subscribed and sworn to before me this 11th day of December, 2015.



LAURA FASHING
United States Magistrate Judge